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Practitioner's Docket No. U015125-9
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **RAKESH TULI, ET AL.**

Serial No.: 10/814,858

Group No.: 1633

Filed: MARCH 31, 2004

Examiner: MARVICH, MARIA

For: ARTIFICIAL BIDIRECTIONAL PROMOTER FOR
ACTIVATION OF GENE EXPRESSION

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER
37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1633

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AMENDMENT OR RESPONSE AFTER FINAL REJECTION—TRANSMITTAL

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

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37 C.F.R. 1.8(a)

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- ☒ transmitted by facsimile to the Patent and Trademark Office, to (571)-273-8300

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Date: September 26, 2006

09/27/2006 CNEGA1 00000026 120425 10014858
Janet L. Cord
(Type or print name of person certifying)

Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation. Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

SEP 26 2006

Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

NOTE: Response to Final Rejection—Avoiding Extension Fees "In patent applications wherein a three month Shortened Statutory Period (SSP) is set for response to a Final Rejection, the response would best be filed within two months of the date of the Office Action. If filed within two months, any Advisory Action mailed after the SSP expires will reset the SSP to expire on the date of the Advisory Action for extension fee purposes, but never more than six months from the date of the Final Rejection." Notice of Nov. 30, 1990 (1122 O.G. 571 to 591).

STATUS

2. The application is qualified as
☐ a small entity.
☒ other than a small entity.
3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply for a term of up to six (6) months.

EXTENSION OF TERM

NOTE: As to a Supplemental Amendment filed in response to a final office action, the Notice of December 10, 1985 (1061 O.G. 34-35) states:

"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run."

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/>	three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/>	five months	\$ 2,160.00	\$ 1,080.00

Fee: \$ 1,020.00

If additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

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- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

				OTHER THAN A		SMALL ENTITY		SMALL ENTITY	
(Col. 1)		(Col. 2)		(Col. 3)					
Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra Rate		Addit. Fee OR		Rate Addit. Fee	
Total	* Minus	**	=	x \$ 25=	\$			x \$50=	\$
Indep.	* Minus	***	=	x \$100=	\$			x \$200=	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claim				x \$180=	\$			+ \$360=	\$
Total					Addit. Fee \$	OR	Total	Addit. Fee \$	

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: See 37 C.F.R. § 1.116

FEE PAYMENT

5. ☒ No additional fee is required.

OR

☐ Total additional fee required is \$ 1,020.00.

- ☐ Attached is a check in the sum of \$ _____.
☒ Charge Account No. 12-0425 the sum of \$ 1,020.00.
 A duplicate of this transmittal is attached.

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FEE DEFICIENCY OR OVERPAYMENT

NOTE: Where there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the case. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33)

6. ☒ If any additional extension and/or fee is required, charge Account No. 12-0425

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 12-0425

AND/OR

- ☒ Refund any overpayment to Account No. 12-0425.


SIGNATURE OF PRACTITIONER

Reg. No.: 33.778

Janet I. Cord

(type or print name of practitioner)

Tel. No.: (212) 708-1935

P.O. Address

c/o Ladas & Parry LLP
26 West 61st Street
New York, N.Y. 10023

Customer No.:



00140

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AMENDMENT OR RESPONSE AFTER FINAL REJECTION-FIRST PAGE

In response to the final action of April 4, 2006, please amend the above application as follows:

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

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37 C.F.R. 1.8(a)

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37 C.F.R. 1.10*



as "Express Mail Post Office to Address"

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Date: September 26, 2006Janet I. Cord

(type or print name of person certifying)

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on motion." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

Reconsideration and further examination is respectfully requested in view of the following amendments and remarks.

Amendments to the claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks commence on page 6.